

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANA GAINES,

Plaintiff,

v.

SAN FRANCISCO COUNTY JAIL #1  
MEDICAL DEPARTMENT,

Defendant.

Case No. [14-cv-04820-JD](#)

**ORDER OF DISMISSAL**

Re: Dkt. No. 2

Plaintiff has filed a pro se civil rights complaint under 42 U.S.C. § 1983. Plaintiff alleges that he was assaulted while at San Francisco County Jail. Court records indicate that plaintiff previously filed another action with the same allegations regarding the same incident. *See Gaines v. San Francisco Sheriff Department Medical Staff*, Case No. 14-cv-2142 JD. That case was dismissed with leave to amend because plaintiff failed to provide sufficient details about the assault or identify any specific defendants and their actions. Plaintiff failed to file an amended complaint or otherwise communicate with the Court, so the case was dismissed and closed for failure to state a claim.

The instant case is **DISMISSED** as duplicative. *See Adams v. Cal. Dept. of Health Services*, 487 F.3d 684, 688 (9th Cir. 2007). The motion to proceed in forma pauperis (Docket No. 2) is **DENIED** and no fee is due.

If plaintiff wishes to proceed with the underlying claims, he must file a motion for reconsideration in Case No. 14-cv-2142 JD seeking to reopen the case and he must explain why he failed to respond to the Court's order. He must also file an amended complaint in that action addressing the deficiencies described by the Court.

**IT IS SO ORDERED.**

Dated: December 4, 2014

  
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JAMES DONATO  
United States District Judge

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 12/4/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Dana Gaines  
850 Bryant Street  
#418913  
San Francisco, CA 94103

Dated: 12/4/2014

Richard W. Wieking  
Clerk, United States District Court

By:    
LIS \_\_\_\_\_ to the  
Honorable JAMES DONATO